IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREGORY PEARCE, individually and on : CIVIL ACTION behalf of all others similarly situated, :

Plaintiff,

: No. 18-306

v.

MIZUHO BANK, LTD. and MARK KARPELES,

Defendants.

ORDER

AND NOW, this 27th day of August, 2018, upon consideration of Defendant Mizuho Bank, Ltd.'s ("Mizuho") Motion to Dismiss for Failure to State a Claim and for Lack of Jurisdiction (Doc. No. 11), Plaintiff Gregory Pearce's Response in Opposition to the Motion to Dismiss, and Mizuho's Reply Memorandum of Law in Further Support, it is hereby ORDERED that Mizuho's Motion to Dismiss is GRANTED for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

It is **FUTHER ORDERED** that Count III of Plaintiff's Complaint is **DISMISSED**. The Clerk of Court shall terminate Mizuho from this case.

BY THE COURT:

/s/ Robert F. Kelly ROBERT F. KELLY SENIOR JUDGE

¹ Since we find that this Court does not have personal jurisdiction over Mizuho, we decline to consider Mizuho's Motion to Dismiss for Failure to State a Claim under Federal Rule of Civil Procedure 12(b)(6).